

REMARKS

Claims 20 – 40 are now pending in the application. Claim 20 – 40 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DOUBLE PATENTING

Claims 20 – 31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 3, 4, 6, 8 – 10, and 12 – 15 respectively of U.S. Patent No. 6,648,105 (Lang). Applicant will submit a terminal disclaimer once the other claims of this application have been found otherwise allowable.

REJECTION UNDER 35 U.S.C. § 102

Claims 25, 27 – 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,588,335 (Strait). Claims 20, 22, 23, 25, 27 – 32, 34, 35 and 37 – 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,092,617 (White).

At the outset, Applicants note that claims 20 and 32 have been amended to recite said locking mechanism providing a single audible indication to an operator that said brake pedal has been depressed sufficiently to be latched in said locked position. Applicants further note that claims 23 and 35 include the limitation said locked mode presenting a single audible indication to an operator upon entry thereof. Likewise, claim 25 includes the limitation said locking

mechanism providing a single audible indication to an operator that said brake pedal had been depressed sufficiently to be latched in said locked position. Claims 28 and 37 include whereby a single audible indication is emitted signifying a locking mechanism latching said brake pedal in a locking position. Claims 30 and 39 include advancing said unitary foot engaging portion of said brake pedal until an audible indication is provided identifying a locked park position.

Applicants respectfully submit that the prior art of record fails to teach or suggest the claimed invention. That is, Applicants submit that none of the cited prior art references teaches or suggests each and every claim limitation, either singly or in combination. Strait at best discloses a parking brake control device 10. The parking brake control device 10 includes a transfer lever 22 pivotally mounted on the frame 14 by a pivot pin 20 (FIG 1). The transfer lever 22 has a sector gear 24 at one end and a cable 26 pivotally attached to the opposite end by a clevis 28. The cable 26 operates the parking brake in a conventional manner.

White at best discloses a vehicle 4 having a foot pedal 24 and a brake pedal 74. A brake bellcrank 56 is mechanically linked by a front brake link arm 72 to the brake pedal 74 that may be selectively operated to stop the vehicle 4. When the operator pushes down on the brake pedal 74, the brake bellcrank 56 is rotated in a direction that would reset an accelerator linkage 28 and an input lever 20 on a speed changing system 18 to neutral.

Notably, the prior art of record fails to teach “said locking mechanism providing a single audible indication to an operator that said brake pedal has been depressed sufficiently to be latched in said locked position”, as recited in claims 20 and 32. Similarly, the prior art of record fails to teach “said locked mode presenting a single audible indication to an operator upon entry thereof”, as recited in claims 23 and 35. In addition, the prior art of record fails to teach “said locking mechanism providing a single audible indication to an operator that said brake pedal had been depressed sufficiently to be latched in said locked position”, as recited in claim 25.

The prior art of record further fails to teach or suggest “whereby a single audible indication is emitted signifying a locking mechanism latching said brake pedal in a locking position”, as recited in claims 28 and 37. Also, the prior art of record further fails to teach or suggest “advancing said unitary foot engaging portion of said brake pedal until an audible indication is provided identifying a locked park position”, as recited in claims 30 and 39.

As a result, Applicants respectfully assert that claims 20, 22, 23, 25, 27 – 32, 34, 35 and 37 – 40 are in condition for allowance.

REJECTION UNDER 35 U.S.C. § 103

Claims 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strait. Claims 21, 24, 26, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strait or White in view of U.S. Pat. No. 4,310,064 (Kazarian). These rejections are respectfully traversed.

Kazarian at best discloses a brake pedal and accelerator arrangement including an integrated brake-locking feature. As the brake pedal is depressed, a pin engages a curved cam portion of the latch and rotates the latch in a clockwise direction. When the pedal reaches a floored position, a spring biases a locking edge of the latch into engagement with the pin creating a brake-locked position. A latch release bar extends from the accelerator pedal and, upon depression of the accelerator pedal, is configured to rotate the latch clockwise about the pin allowing the brake to return to an unlocked position. Strait, White and Kazarian, alone or in combination, fail to teach or suggest the claimed invention as set forth above. As a result, Applicants respectfully assert that claims 21, 24, 26, 33 and 36 are in condition for allowance.

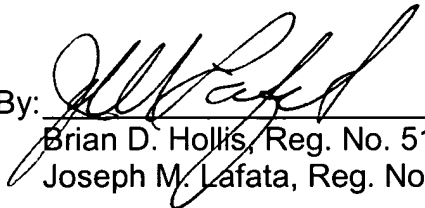
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication

will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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